

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 118 – SB 142

February 27, 2013

SUMMARY OF ORIGINAL BILL: Authorizes a handgun carry permit holder to transport and store a firearm and firearm ammunition in the permit holder's privately-owned vehicle while legally utilizing a public or private parking area. Holds property owners harmless against liability in civil action involving a firearm or ammunition transported or stored in such vehicle.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (003879): Adds language to the original bill. Creates a Class E felony when a person commits verbal assault intending to cause emotional distress or intimidation, in the course of which the person references, in a threatening way, a firearm stored in the person's motor vehicle or in another individual's motor vehicle, in or near the parking area of such property. Classifies a violation as a Class D felony if a referenced firearm is found within the vehicle.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$874,900/Incarceration*

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-13-101, intentionally or knowingly causing another person to reasonably fear imminent bodily injury is a Class A misdemeanor.
- The 2011 Tennessee Bureau of Investigation (TBI) Crime Report defines intimidation as a form of assault, placing another person in reasonable fear of bodily harm through the use of the threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to the actual physical attack.
- According to the 2011 TBI Crime Report, there were 29,996 intimidation offenses in 2011 and 3,304 arrests for this offense. There is no data available on how often a firearm kept within a motor vehicle was mentioned during the intimidation.
- Up to one percent of those arrested for intimidation mentioned using a firearm stored within a vehicle.

- Up to approximately 33 offenders will be convicted of a felony rather than a Class A misdemeanor; up to 17 will be charged with a Class E felony and 16 with a Class D felony.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will account for 2 additional Class E felonies (17 admissions x .1178) for a total of 19.
- Simple assault under Tenn. Code Ann. § 39-13-101(a)(2) is a Class A misdemeanor. This bill would enhance those offenses to Class E felonies. The average time served for a Class E felony is 1.21 years.
- According to the DOC, 33.75 percent of offenders will re-offend within one year of their release. A recidivism discount of 33.75 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same offense level as under current law (19 offenders x 0.3375 = 6 offenders).
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2013 is \$64.17.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 13 offenders [19 offenders – 6 offenders (recidivism discount)] serving 1.21 years. The cost for one offender at 1.21 years (441.95 days) is \$28,360 (\$64.17 x 441.95 days). The cost for 13 offenders is \$368,680 (\$28,360 x 13).
- Population growth will account for 2 additional Class D felonies (16 admissions x .1178) for a total of 18.
- Simple assault under Tenn. Code Ann. § 39-13-101(a)(2) is a Class A misdemeanor. This bill would enhance those offenses to Class D felonies. The average time served for a Class D felony is 1.8 years.
- A recidivism discount of 33.75 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same offense level as under current law (18 offenders x 0.3375 = 6 offenders).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 12 offenders [18 offenders – 6 offenders (recidivism discount)] serving 1.8 years. The cost for one offender at 1.8 years (657.45 days) is \$42,189 (\$64.17 x 657.45 days). The cost for 12 offenders is \$506,268 (\$42,189 x 12).
- The total increase in recurring state expenditures for incarceration will be \$874,948 (\$506,268 + 368,680).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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